

EX. ORD. NO. 12916. IMPLEMENTATION OF BORDER ENVIRONMENT COOPERATION COMMISSION AND NORTH AMERICAN DEVELOPMENT BANK

Ex. Ord. No. 12916, May 13, 1994, 59 F.R. 25779, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the North American Free Trade Agreement Implementation Act, Public Law 103-182; 107 Stat. 2057 (“NAFTA Implementation Act”) [see Tables for classification], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. The Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank (“Agreement”) shall be implemented consistent with United States policy for the protection of human, animal or plant life or health, and the environment. The Agreement shall also be implemented to advance sustainable development, pollution prevention, environmental justice, ecosystem protection, and biodiversity preservation and in a manner that promotes transparency and public participation in accordance with the North American Free Trade Agreement and the Agreement.

SEC. 2. (a) The Administrator of the Environmental Protection Agency and the United States Commissioner, International Boundary and Water Commission, United States and Mexico (“Commissioner”), shall represent the United States as Members of the Board of Directors of the Border Environment Cooperation Commission in accordance with the Agreement.

(b) The policies and positions of the United States in the Border Environment Cooperation Commission shall be coordinated through applicable interagency procedures, which shall include participation by the Department of State, the Department of the Treasury, the Department of Housing and Urban Development, the Department of the Interior, the Agency for International Development, the Environmental Protection Agency, and, as appropriate, other Federal agencies.

(c) The Commissioner shall promote cooperation, as appropriate, between the International Boundary and Water Commission and the Border Environment Cooperation Commission in planning, developing, carrying out border sanitation, and other environmental activities.

SEC. 3. (a) The United States Government representatives to the Board of the North American Development Bank shall be the Secretary of the Treasury, the Secretary of State, and the Administrator of the Environmental Protection Agency.

(b) For purposes of loans or guarantees for projects certified by the Border Environment Cooperation Commission, the representatives shall be instructed in accordance with the procedures of the National Advisory Council on International Monetary and Financial Policies (“Council”) as established by Executive Order No. 11269 [22 U.S.C. 286b note]. For purposes of this section only, the membership of the Council shall be expanded to include the Secretary of the Department of Housing and Urban Development, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency.

(c) For purposes of loans or guarantees for projects certified by the Border Environment Cooperation Commission, the representatives shall consult with the Community Adjustment and Investment Program Advisory Committee (“Advisory Committee”), established pursuant to section 543(b) of the NAFTA Implementation Act [22 U.S.C. 290m-2(b)] concerning community adjustment and investment aspects of such loans or guarantees.

(d) For purposes of loans, guarantees, or grants endorsed by the United States for community adjustment and investment, the representatives shall be instructed by the Secretary of the Treasury in accordance with procedures established by the Community Adjustment

and Investment Program Finance Committee established pursuant to section 7 of this order.

SEC. 4. The functions vested in the President by section 543(a)(1) of the NAFTA Implementation Act [22 U.S.C. 290m-2(a)(1)] are delegated to the Secretary of the Treasury.

SEC. 5. The functions vested in the President by section 543(a)(2) and (3) of the NAFTA Implementation Act are delegated to the Secretary of the Treasury, who shall exercise such functions in accordance with the recommendations of the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order.

SEC. 6. The functions vested in the President by section 543(a)(5) and section 543(d) of the NAFTA Implementation Act are delegated to the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order, which shall exercise such functions in consultation with the Advisory Committee.

SEC. 7. (a) There is hereby established a Community Adjustment and Investment Program Finance Committee (“Finance Committee”).

(b) The Finance Committee shall be composed of representatives from the Department of the Treasury, the Department of Agriculture, the Department of Housing and Urban Development, the Small Business Administration, and any other Federal agencies selected by the Chair of the Finance Committee to assist in carrying out the community adjustment and investment program pursuant to section 543(a)(3) of the NAFTA Implementation Act [22 U.S.C. 290m-2(a)(3)].

(c) The Department of the Treasury representative shall serve as Chair of the Finance Committee. The Chair shall be responsible for presiding over the meetings of the Finance Committee, ensuring that the views of all other Members are taken into account, coordinating with other appropriate United States Government agencies in carrying out the community adjustment and investment program, and requesting meetings of the Advisory Committee pursuant to section 543(b)(4)(C) of the NAFTA Implementation Act.

SEC. 8. Any advice or conclusions of reviews provided to the President by the Advisory Committee pursuant to section 543(b)(3) of the NAFTA Implementation Act [22 U.S.C. 290m-2(b)(3)] shall be provided through the Finance Committee.

SEC. 9. Any summaries of public comments or conclusions of investigations and audits provided to the President by the ombudsman pursuant to section 543(c)(1) of the NAFTA Implementation Act shall be provided through the Finance Committee.

SEC. 10. The authority of the President under section 6 of Public Law 102-532; 7 U.S.C. 5404, to establish an advisory board to be known as the Good Neighbor Environmental Board is delegated to the Administrator of the Environmental Protection Agency.

SEC. 11. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

## CHAPTER 22—URUGUAY ROUND TRADE AGREEMENTS

Sec.  
3501. Definitions.

### SUBCHAPTER I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, URUGUAY ROUND AGREEMENTS

#### PART A—APPROVAL OF AGREEMENTS AND RELATED PROVISIONS

3511. Approval and entry into force of Uruguay Round Agreements.

Sec.		Sec.	
	(a) Approval of agreements and state- ment of administrative action.	3538.	Administrative action following WTO panel reports.
	(b) Entry into force.		(a) Action by United States Inter- national Trade Commission.
	(c) Authorization of appropriations.		(b) Action by administering authority.
	(d) Trade agreements to which this Act applies.		(c) Effects of determinations; notice of implementation.
3512.	Relationship of agreements to United States law and State law.		(d) Opportunity for comment by inter- ested parties.
	(a) Relationship of agreements to United States law.		
	(b) Relationship of agreements to State law.		PART D—RELATED PROVISIONS
	(c) Effect of agreement with respect to private remedies.	3551.	Working party on worker rights.
	(d) Statement of administrative action.		(a) In general.
3513.	Implementing actions in anticipation of entry into force; regulations.		(b) Objectives of working party.
	(a) Implementing actions.	3552.	(c) Report to Congress.
	(b) Regulations.		Implementation of Rules of Origin work pro- gram.
		3553.	Membership in WTO of boycotting countries.
		3554.	Africa trade and development policy.
			(a) Development of policy.
			(b) Reports to Congress.
	PART B—TARIFF MODIFICATIONS	3555.	Objectives for extended negotiations.
3521.	Tariff modifications.		(a) Trade in financial services.
	(a) In general.		(b) Trade in basic telecommunications services.
	(b) Other tariff modifications.		(c) Trade in civil aircraft.
	(c) Authority to increase duties on arti- cles from certain countries.	3556.	Certain nonrubber footwear.
	(d) Adjustments to certain column 2 rates of duty.		
	(e) Authority to consolidate subheadings and modify column 2 rates of duty for tariff simplification purposes.		SUBCHAPTER II—ENFORCEMENT OF UNITED STATES RIGHTS UNDER SUBSIDIES AGREEMENT
3522.	Liquidation or reliquidation and refund of duty paid on certain entries.	3571.	Subsidies enforcement.
	(a) Liquidation or reliquidation.		(a) Assistance regarding multilateral subsidy remedies.
	(b) Requests.		(b) Prohibited subsidies.
	(c) Entries.		(c) Subsidies actionable under Agree- ment.
3523.	Duty free treatment for octadecyl isocyanate and 5-Chloro-2-(2,4-dichloro-phenoxy) phenol.		(d) Initiation of section 2411 investiga- tion.
3524.	Consultation and layover requirements for, and effective date of, proclaimed actions.		(e) Nonactionable subsidies.
			(f) Notification, consultation, and publi- cation.
			(g) Cooperation of other agencies.
			(h) Definitions.
			(i) Treatment of proprietary informa- tion.
	PART C—URUGUAY ROUND IMPLEMENTATION AND DISPUTE SETTLEMENT	3572.	Review of Subsidies Agreement.
3531.	Definitions.		(a) General objectives.
3532.	Implementation of Uruguay Round Agree- ments.		(b) Specific objective.
	(a) Decisionmaking.		(c) Sunset of noncountervailable sub- sidies provisions.
	(b) Consultation with congressional com- mittees.		(d) Review of operation of Subsidies Agreement.
	(c) Report on decisions.		
	(d) Consultation on report.		SUBCHAPTER III—ADDITIONAL IMPLEMENTATION OF AGREEMENTS
3533.	Dispute settlement panels and procedures.		PART A—FOREIGN TRADE BARRIERS AND UNFAIR TRADE PRACTICES
	(a) Review by President.	3581.	Objectives in intellectual property.
	(b) Qualifications of appointees to panels.		
	(c) Rules governing conflicts of interest.		PART B—TEXTILES
	(d) Notification of disputes.	3591.	Textile product integration.
	(e) Notice of appeals of panel reports.	3592.	Rules of origin for textile and apparel prod- ucts.
	(f) Actions upon circulation of reports.		(a) Regulatory authority.
	(g) Requirements for agency action.		(b) Principles.
	(h) Consultations regarding review of WTO rules and procedures.		(c) Effective date.
3534.	Annual report on WTO.		
3535.	Review of participation in WTO.		SUBCHAPTER IV—AGRICULTURE-RELATED PROVISIONS
	(a) Report on operation of WTO.		PART A—MARKET ACCESS
	(b) Congressional disapproval of U.S. par- ticipation in WTO.	3601.	Administration of tariff-rate quotas.
	(c) Joint resolutions.		(a) Orderly marketing.
	(d) Rules of House of Representatives and Senate.		(b) Inadequate supply.
3536.	Increased transparency.		(c) Monitoring.
3537.	Access to WTO dispute settlement process.		(d) Coverage of tariff-rate quotas.
	(a) In general.	3602.	Special agricultural safeguard authority.
	(b) Notice and public comment.		(a) Determination of trigger levels.
	(c) Access to documents.		
	(d) Requests for nonconfidential sum- maries.		
	(e) Public file.		

Sec.

- (b) Determination of safeguard.
- (c) Imposition of safeguard.
- (d) No simultaneous safeguard.
- (e) Exclusion of NAFTA countries.
- (f) Advice of Secretary of Agriculture.
- (g) Termination date.
- (h) Definitions.

## PART B—EXPORTS

3611. Food aid.

## PART C—OTHER PROVISIONS

- 3621. Tobacco proclamation authority.
  - (a) In general.
  - (b) Effective date.
- 3622. Report to Congress on access to Canadian dairy and poultry markets.
- 3623. Study of milk marketing order system.
- 3624. Additional program funding.
  - (a) Use of additional funds.
  - (b) Amount of additional funds.
  - (c) Effective date.

**§ 3501. Definitions**

For purposes of this Act:

**(1) GATT 1947; GATT 1994****(A) GATT 1947**

The term “GATT 1947” means the General Agreement on Tariffs and Trade, dated October 30, 1947, annexed to the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as subsequently rectified, amended, or modified by the terms of legal instruments which have entered into force before the date of entry into force of the WTO Agreement.

**(B) GATT 1994**

The term “GATT 1994” means the General Agreement on Tariffs and Trade annexed to the WTO Agreement.

**(2) HTS**

The term “HTS” means the Harmonized Tariff Schedule of the United States.

**(3) International Trade Commission**

The term “International Trade Commission” means the United States International Trade Commission.

**(4) Multilateral trade agreement**

The term “multilateral trade agreement” means an agreement described in section 3511(d) of this title (other than an agreement described in paragraph (17) or (18) of such section).

**(5) Schedule XX**

The term “Schedule XX” means Schedule XX—United States of America annexed to the Marrakesh Protocol to the GATT 1994.

**(6) Trade Representative**

The term “Trade Representative” means the United States Trade Representative.

**(7) Uruguay Round Agreements**

The term “Uruguay Round Agreements” means the agreements approved by the Congress under section 3511(a)(1) of this title.

**(8) World Trade Organization and WTO**

The terms “World Trade Organization” and “WTO” mean the organization established pursuant to the WTO Agreement.

**(9) WTO Agreement**

The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

**(10) WTO member and WTO member country**

The terms “WTO member” and “WTO member country” mean a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.

(Pub. L. 103-465, §2, Dec. 8, 1994, 108 Stat. 4813.)

## REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

The Harmonized Tariff Schedule of the United States, referred to in par. (2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

## SHORT TITLE

Section 1(a) of Pub. L. 103-465 provided that: “This Act [see Tables for classification] may be cited as the ‘Uruguay Round Agreements Act’.”

## URUGUAY ROUND AGREEMENTS: ENTRY INTO FORCE

The Uruguay Round Agreements, including the World Trade Organization Agreement and agreements annexed to that Agreement, as referred to in section 3511(d) of this title, entered into force with respect to the United States on Jan. 1, 1995. See note set out under section 3511 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1671, 1677, 1677k, 2252, 2571, 2578b, 2702, 2905, 2906, 3107, 3111, 3202, 3535, 3591 of this title; title 7 section 624; title 15 section 1052; title 17 section 104A; title 35 section 104.

## SUBCHAPTER I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, URUGUAY ROUND AGREEMENTS

## PART A—APPROVAL OF AGREEMENTS AND RELATED PROVISIONS

**§ 3511. Approval and entry into force of Uruguay Round Agreements****(a) Approval of agreements and statement of administrative action**

Pursuant to section 2903 of this title and section 2191 of this title, the Congress approves—

- (1) the trade agreements described in subsection (d) of this section resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, entered into on April 15, 1994, and submitted to the Congress on September 27, 1994; and
- (2) the statement of administrative action proposed to implement the agreements that was submitted to the Congress on September 27, 1994.